

FILED

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES MAGISTRATE COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR HUGO SANCHEZ, MILTON
GAMEZ FIERRO, JAMEX EUGENIO
CORONEL, PAMELA LUNA,
ALEJANDRO PARRA-SOLORIA, JAIME
BARRERA OREGEL

Defendants.

No. CR 12-70449-MAG

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM JUNE 15, 2012 TO JULY 13, 2012
AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A)) AND
WAIVING TIME LIMITS UNDER RULE
5.1

On May 4, 2012, Magistrate Judge Donna M. Ryu set a date of June 15, 2012 for preliminary hearing or arraignment for defendants PARRA-SOLORIA, FIERRO, LUNA, and OREGEL. The government produced paper discovery to the defendants on May 4, 2012. After the protective order was in place, the government worked with a third-party vendor to make available to the defendants the electronic discovery (comprised of approximately 40 CDs containing audio and video recordings). As of today's date, the defendants have just recently secured CJA approval to pay for and obtain the electronic discovery from the third-party vendor. Defense counsel will need additional time to review the electronic discovery with their respective clients in order to

1 make a fully informed decision about whether to agree to a pre-Indictment resolution or to
2 proceed with their defenses. After discussions between the government and counsel for the
3 defendants, FIERRO, LUNA, OREGEL and PARRA-SOLORIA now believe it is in their best
4 interests to postpone the preliminary hearing date to July 13, 2012 in order to afford them
5 additional time to review, translate and synthesize the discovery materials in this case. With the
6 agreement of FIERRO, LUNA, OREGEL and PARRA-SOLORIA and the government, and with
7 the consent of FIERRO, LUNA, OREGEL and PARRA-SOLORIA, the Court enters this order
8 scheduling an arraignment or preliminary hearing date of July 13, 2012 at 9:30 a.m. before the
9 duty magistrate judge, and documenting the waiver of the preliminary hearing date under Federal
10 Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C.
11 § 3161(b), from June 15, 2012 to July 13, 2012 as to defendants FIERRO, LUNA, OREGEL and
12 PARRA-SOLORIA. The parties agree, and the Court finds and holds, as follows:

13 1. FIERRO, LUNA, OREGEL and PARRA-SOLORIA agree to an exclusion of time
14 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary
15 for effective preparation, taking into account the exercise of due diligence.

16 2. FIERRO, LUNA, OREGEL and PARRA-SOLORIA waive the time limits of Federal
17 Rule of Criminal Procedure 5.1 for preliminary hearing.

18 4. Counsel for FIERRO, LUNA, OREGEL and PARRA-SOLORIA believe that
19 postponing the preliminary hearing is in their clients' best interests, and that it is not in their
20 clients' interest for the United States to indict the case during the normal timeline established in
21 Rule 5.1.

22 5. The Court finds that, taking into the account the public interest in the prompt
23 disposition of criminal cases, these grounds are good cause for extending the time limits for a
24 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
25 the Court finds that the ends of justice served by excluding the period from June 15, 2012 to July
26 13, 2012 as to defendants FIERRO, LUNA, OREGEL and PARRA, outweigh the best interest of
27 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

28 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
hearing date before the duty magistrate judge on July 13, 2012 at 9:30 a.m., and (2) orders that

1 the period from June 15, 2012 to July 13, 2012 as to defendants FIERRO, LUNA, OREGEL and
2 PARRA, be excluded from the time period for preliminary hearings under Federal Rule of
3 Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A)
4 & (B)(iv).

5
6 IT IS SO STIPULATED:

7 DATED: June 5, 2012

/s/
CHRISTOPHER CANNON
Attorney for Defendant ALEJANDRO PARRA-SOLORIA

10 DATED: June 5, 2012

/s/
BRIAN BERSON
Attorney for Defendant PAMELA LUNA

13 DATED: June 5, 2012

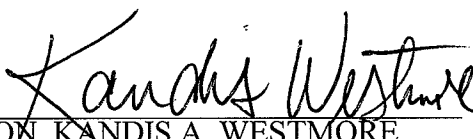
/s/
DAVID ANDERSEN
Attorney for Defendant MILTON GAMEZ FIERRO,

16 DATED: June 5, 2012

/s/
RANDY S. LUSKEY
Assistant United States Attorney

19 IT IS SO ORDERED.

20 DATED: 6/5/12


HON. KANDIS A. WESTMORE
United States Magistrate Judge